

**NPDES Stormwater  
Technical Advisory Committee (TAC)**

**REPORT OF MEETING**

**TUESDAY, JUNE 20, 2006**

**10:00 A. M.**

**CITY OF HALF MOON BAY**

1. INTRODUCTION, ANNOUNCEMENTS, ADOPTION OF MINUTES, AND REVISION TO AGENDA  
Self-introductions were made, the April meeting minutes were adopted as written, and no changes were made to the agenda.

2. PRESENTATIONS

- A. Municipal Regional Permit Update – Matt Fabry, STOPPP Coordinator, gave an update on the April 24 Steering Committee meeting for the Municipal Regional Permit (MRP) process, at which Board staff gave brief presentations on the remaining work products from the work groups. Bay Area stormwater program staff expressed frustration with the seeming never-ending meetings to discuss the work group products without ever getting to the point of prioritizing/negotiating. Environmental groups echoed the same concern. Board staff revised the process in response to these comments as follows (tasks and proposed schedule were provided as handouts): First, Board staff will develop a “thorny” issues list for all the permit subcomponents for review and comment. Then, Board staff will develop language that is close to permit language for each of these issues to provide a basis for negotiation. Then will follow one or two all-day meetings during which prioritization/negotiation/consensus building will take place. The all-day meetings will help Board staff prepare an Administrative Draft of the Regional Permit, which will then go through two formal public workshops for comment. Board staff will then issue a Tentative Order for formal review and comment and bring to the Board for consideration. The process is expected to last from early June 2006 through April 2007. Matt noted that the “thorny” issues list was supposed to be sent out by Board staff in early June, but he has not seen anything yet.

Matt also discussed the results of the June 14 Regional Board Stormwater Subcommittee workshop. The Subcommittee consists of two Regional Board members (Kristina Brouhard and Margaret Bruce) and newly-appointed State Board member Gary Wolff. The workshop was intended to be a general discussion on broad stormwater issues. Larry Kolb, Board Assistant Executive Officer, began the workshop with a list of issues on which the Subcommittee welcomed comments, such as: importance of stream channel integrity and riparian corridors and the Board’s related authority; attitudes toward creeks and the role of municipalities in their management; impacts of development and increased impervious surface on stormwater flow, flooding, and channel incision, and what is the appropriate level of Board involvement; impacts of trash on wildlife and aesthetics and thoughts on priorities; importance of impaired migratory fish runs; and, what is the best persona for the Board, water cop or collaborator.

Many people spoke at the workshop, and Matt provided some of the highlights, such as Gary Wolff indicating lack of resources is not germane to the discussion of stormwater regulation. In his opinion, if the Water Board enacts regulations, resources will be found in order to comply. Baykeeper expressed its opinion that the Board has been too collaborative for too long and the regulated community has become complacent. Baykeeper recommended 1) including numeric effluent limits in stormwater permits, 2) bringing all cities to a level playing field under the Municipal Regional Permit since some programs are not doing as much as others with regard to Maximum Extent Practicable, 3) addressing the lack of funding by having the Board consider pursuing amendments to Proposition 218, and 4) restructuring internally the Board’s staff. Municipal stormwater representatives highlighted the need to prioritize, the difficulties in communicating with the Board due to ex-parte communication restrictions, the appropriateness of other Board programs for addressing issues such as stream protection rather than in stormwater permits, and the need to focus the Municipal Regional Permit on Pollutants of Concern/Total Maximum Daily Loads and deficiencies identified through audits/court cases, and emphasized the significant effort and accomplishments of current stormwater programs,. The Home Builders Association expressed its frustration at not being invited to participate with the environmental

groups in the Municipal Regional Permit process. Margaret Bruce closed the workshop by highlighting common themes, such as trash, the Municipal Regional Permit, redundancies/gaps in Board programs, and funding restraints. She asked Board staff to recap the transcript of the meeting and make it available and welcomed submittal of written comments on any and all stormwater issues.

TAC attendees discussed the workshop and Municipal Regional Permit process. Hope Sullivan from Woodside expressed her concern that the Regional Permit should only focus on deficiencies identified in program audits or litigation and other concerns such as habitat protection and stream restoration shouldn't be included. Habte Kifle with the Water Board indicated issuance of the Municipal Regional Permit is part of the public process that requires public involvement and comment as a way of continually updating permit requirements to address new information or regulations.

- B. AB1546 Programmatic Funding Update – Matt provided a handout showing which municipalities had requested reimbursement for local programs under the AB1546 funding and asked that cities who have not yet requested reimbursement to submit the proper forms to help close out the fiscal year. Matt also provided a spreadsheet showing the project names and descriptions being considered by the AB1546 workgroup for funding under the programmatic portion of AB1546. The workgroup has fleshed out the project descriptions/goals but has not gone through the ranking process. Matt hopes to have a ranked list and funding recommendation for projects at the July 18 TAC meeting.
- C. IRWMP Update – Matt gave an update on the status of STOPPP's project submittals to the Integrated Regional Water Management Plan (IRWMP). The projects STOPPP submitted ended up ranking very highly in the overall IRWMP, mostly due to the additional weighting given for regional collaboration with other stormwater programs. The current draft of the IRWMP includes four of STOPPP's proposed projects as high priorities (Sustainable Streets, PCBs Investigation, Creek Care, Adobe Bridge Culvert Removal) and the fifth project (Trash Control), is a partnership with the Santa Clara Valley Water District as the responsible agency. Chris Shirley with San Mateo County thought the STOPPP projects with the current rankings had a good chance of moving forward and being considered for Proposition 50 grant funding.
- D. Amicus Brief for Los Angeles Court Case – Matt provided an update on the ongoing litigation in Los Angeles County regarding unfunded state mandates. STOPPP, in conjunction with the Bay Area Stormwater Management Agencies Association (BASMAA), filed an amicus brief in support of Los Angeles County's case, recommending the court either grant LA the ability to go before the Commission on State Mandates or to have the courts decide whether its claim that the State issued an unfunded mandate in its stormwater permit is valid. The amicus brief highlights the fact that the issue faced by LA County is a statewide issue and is faced by all Bay Area stormwater programs. Matt provided a handout summarizing the amicus brief filing.
- E. Status on Submittal of Annual Deliverables – Fred Jarvis with EOA indicated he sent an email to the municipalities for which EOA has not received the first half-year deliverables. Final deliverables are due at the July 18 meeting. If municipalities have submitted something and EOA doesn't have it, they should contact Fred or Christina Hovland at EOA. Eva Justimbaste with Burlingame reminded everyone that the Caltrans "Don't Trash California" public service announcements can be claimed as a public information/participation event on the annual deliverables. Matt agreed to send the relevant information on number of times the ads ran on cable TV to the group.
- F. Status of Bay Area Hydrology Model – Matt indicated he attended beta testing of the Bay Area Hydrology Model (BAHM) in April. The BAHM looks very useful and user friendly. The model is being designed with flexibility regarding design storm frequencies in case Contra Costa's Hydrograph Modification Management Plan is approved which includes a different lower end design storm frequency. Fred indicated Clear Creek is working on incorporating San Mateo County-specific information. Fred thought the model might be completed and ready for use by the end of summer.
- G. Approval of Phase II Funding for Treatment Measure Sizing Tool – Matt indicated that the New Development Subcommittee unanimously supported funding Phase II of the BASMAA Treatment Measure Sizing Tool. Similar to the BAHM, this computer model will allow for sizing common treatment measures, as opposed to hydrograph management measures. The other large programs (Santa

Clara and Alameda) are each contributing \$20,000 or more, and some smaller programs will contribute proportional funding.

- H. Regional Water Quality Control Board Report – Habte Kifle indicated former Regional Board member Gary Wolff was appointed to the State Board but may continue as the liaison to the Regional Board. Both of the Water Board’s long-time Assistant Executive Officers, Larry Kolb and Steve Morse, will both be retiring at the end of the fiscal year. Larry has overseen surface water issues for years. Habte also mentioned that an internal memo at U.S. Environmental Protection Agency Region 1 (east coast) discussed the concept of issuing a single stormwater permit for all issues (municipal, construction, and industrial), as opposed to the current practice of separate permits for all three areas. Habte didn’t know if the proposal would be implemented.

### 3. SUBCOMMITTEE REPORTS

#### PUBLIC INFORMATION/PARTICIPATION (PIP) – MARILYN HARANG

Matt read the minutes from the May 9 PIP meeting in Marilyn’s absence. The image branding contract is in progress and will likely go before the Board of Supervisors for approval in June or early July. There as an update on Universal Waste and the Department of Toxic Substances Control’s California Take-it Back partnership. San Mateo County is pursuing grant funds for the stormwater program. Bill Lent with the San Mateo County Health Dept indicated there will be a June 27 Task Force meeting on U-waste and trainings in September for municipal staff regarding regulations, abandoned waste, and household hazardous waste roles. Recycleworks wants to partner with STOPPP for a giveaway at the fair for cleanup activities. The Zun Zun contract is spent. Redwood City, South San Francisco, and San Mateo have agreed to set up a permanent collection point for pharmaceuticals. Ads were recently included in Sunset and Bay Nature Magazines.

#### COMMERCIAL/INDUSTRIAL AND ILLICIT DISCHARGE (CII) – WARD DONNELLY

Fred Jarvis reported that CII met in June and discussed pharmaceutical take-back issues and educational outreach efforts. There is a re-done restaurant Best Management Practice poster for municipal use. During the Municipal Regional Permit update discussion, the group agreed a “thorny” issue needing resolution is identifying/clarifying the roles and responsibilities of municipalities and the Regional Board with regard to inspection of industrial facilities. There was discussion on the draft revised Utility Vault Permit that State Board may adopt in July. The subcommittee’s next meeting is tentatively scheduled for August 10.

#### NEW DEVELOPMENT (ND) – MATT FABRY

Matt reported that ND received a presentation from Corinne Goodrich with SamTrans regarding the El Camino Real “Grand Boulevard” Initiative. The ND group supported the concept of developing stormwater design guidelines/criteria for the Grand Boulevard project under STOPPP as an AB1546 project. There is a website under development for the Grand Boulevard at [www.elcaminoreborn.com](http://www.elcaminoreborn.com). The group agreed to fund Phase II of BASMAA’s New Development Treatment Measure sizing tool for \$20,000. There was discussion about Alameda County’s proposed Alternative Compliance Guidance and Model Program. The ND group decided it supported Alameda’s model program, but would hold off on adapting such a program for STOPPP until the Regional Board considered Alameda’s program or the Municipal Regional Permit is adopted. The group did agree to adapt Alameda’s Treatment Measure Operation and Maintenance Inspection Form as a tool municipalities can use at their discretion for inspecting treatment measures. The next meeting is scheduled for August 1.

#### MUNICIPAL GOVERNMENT MAINTENANCE ACTIVITIES – Jen Chen

Matt indicated Municipal Maintenance had their annual workshop this month that was very well attended and had good speakers/presentations.

#### PARKS AND RECREATION IPM GROUP – VERN BESSEY

Vern reported the workgroup had not met and the next meeting would be in August.

#### WATERSHED ASSESSMENT AND MONITORING (WAM) –FRANK MANDOLA

Cassie Prudhel reported WAM met in May and discussed the proposed PCBs investigation project submitted under the Integrated Regional Water Management Plan. Jon Konnan provided a summary of the Regional Board’s proposed Stream and Wetland Protection Policy. He also provided a status update on each of the four watershed assessments ongoing in San Mateo County. The group agreed to fund the Bay Area Macroinvertebrate Bioassessment Information program to develop an Index of Biological Integrity for the Bay Area. The group

discussed options for monitoring projects for fiscal year 2006/07. WAM also had a field trip to Belmont Creek in June during which participants observed several reaches representative of the variety of conditions that exist on Belmont Creek, including some of STOPPP's sampling sites.

4. PUBLIC COMMENTS

None

5. ANNOUNCEMENTS

Bill Lent indicated there will be an Environmental Crimes Task Force meeting on June 22 at 9:30 AM at the County Building.

6. ADJOURNED